

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES E. SMITH,)	No. C 10-5807 LHK (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	WITHOUT PREJUDICE
v.)	
)	
THE COMMISSIONER, et al.,)	
)	
Defendants.)	
_____)	

On December 21, 2010, Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The same day, the Clerk notified Plaintiff that he had not paid the filing fee nor had he filed an application to proceed in forma pauperis ("IFP"). That notification was returned to the Court with the notation that it was undeliverable. The Clerk re-sent its notification on March 31, 2011. Along with the deficiency notice, Plaintiff was provided with a new IFP application and instructions for completing it. Plaintiff was further cautioned that his failure to either file a completed IFP application or pay the filing fee within thirty days would result in the dismissal of this action. To date, Plaintiff has not communicated with the Court. Accordingly, the instant action is DISMISSED without prejudice to Plaintiff filing a new action in which he either pays the filing fee or files a completed IFP application. The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: 5/12/11


LUCY H. KOH
United States District Judge